

### **REMARKS**

Claims 1 and 3-5 are pending in this application. Applicant respectfully submits that no new matter is presented herein.

### **Double Patenting Rejection**

Claims 1 and 3-5 are provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over Claims 1-2, 6 and 8 if co-pending Published Patent Application No. 2005-0145243 to Trombi. Applicant respectfully traverses the rejection. However, in order to expedite prosecution and place the application in condition for allowance, Applicant respectfully submits the enclosed Terminal Disclaimer, which renders the rejection moot. As such, Applicant respectfully requests the rejection be withdrawn.

### **Conclusion**

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding rejection, allowance of Claims 1 and 3-5, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 024931.00026.**

Respectfully submitted,  
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Enclosures: Terminal Disclaimer  
Petition for Extension of Time (1 month)  
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